

### **REMARKS**

Claims 113-127, 130, 132-137, 140-160 and 163-164 were pending in the application. Applicants herein cancel claims 113-127, 130, 132-137, 140-150, 152, 163 and 164. Upon entry of the amendment, the pending claims will be claims 151, and 153-160.

Applicants note with appreciation the withdrawal of the rejection of claims 152-160 under 37 CFR § 1.75(c) and of claims 151, 163, and 164 under 35 U.S.C. § 102(b) over U.S. Patent No. 6,235,967 to Tan *et al.*

Applicants further note that the Examiner has indicated that claims 152-160 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

#### **Amendments to the claims**

Applicants, note with appreciation that the Examiner has indicated that claims 152-160 would be allowable if presented in independent form including all the limitations of the base claim and any intervening claims. Applicants amend claim 151 herein to incorporate the subject matter of claim 152 (and, therefore also the subject matter of claim 115). Applicants therefore, request cancelation of claim 152 without prejudice and without disclaimer as to the subject matter thereof. Claim 153 is amended to depend from independent claim 151 rather from canceled claim 152. Applicants respectfully submit that claims 151 and claims 153-160 are in condition for allowance.

In order to expedite prosecution, Applicants request cancellation of claims 113-127, 130, 132-137, 140-150, 152, 163 and 164 without prejudice and without disclaimer as to the subject matter thereof. Applicants reserve the right to pursue claims to the subject matter of these claims in one or more continuation applications.

#### **35 U.S.C. § 103(a)**

The Office Action rejected claims 113-115 under 35 U.S.C. § 103(a) over Lucas (1996) *Nucl. Acids Res.* 24(9):1774-1779 ("Lucas") U.S. Patent No. 5,561,053 to Crowley ("Crowley") in view of Mosser *et al.* (1997) *Biotechniques* 22:150-154 ("Mosser"). As claims 113-115 have been canceled, the rejection under 35 U.S.C. § 103(a) is moot.

**Double Patenting**

Applicants believe that the amendments made herein render the double patenting rejections moot. However, if the Examiner disagrees, Applicants respectfully request that the Examiner hold the provisional double patenting rejection in abeyance until indication that the instant claims are allowable.

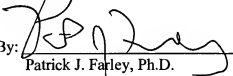
**SUMMARY**

Applicants believe that this application is now in condition for allowance and respectfully requests that the outstanding rejections be withdrawn and this case passed to issuance. The Examiner is invited to contact the undersigned at (650) 467-3618 in order to expedite the resolution of any remaining issues.

In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our **Deposit Account 07-0630** for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Respectfully submitted,

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